

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Janie Gadson,	)	
	)	C/A No. 1:17-2845-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Andrew Saul, Commissioner of Social	)	
Security,	)	
	)	
Defendant.	)	
_____	)	

On October 20, 2017, Plaintiff Janie Gadson brought this action to obtain judicial review of a final decision of Defendant Commissioner of Social Security denying Plaintiff's Title II application for a period of disability and disability insurance benefits. See 42 U.S.C. § 405(g). On December 20, 2018, the court remanded the cause to the Commissioner pursuant to sentence four of § 405(g) for further administrative proceedings. By order filed March 20, 2019, the court awarded attorney fees in the amount of \$3,360.00 to Plaintiff's counsel pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

This matter is before the court on Plaintiff's motion for attorney's fees filed July 13, 2020. Plaintiff moves for an order awarding an attorney's fee of \$18,268.00 under the Social Security Act, 42 U.S.C. § 406(b).<sup>1</sup> On July 28, 2020, the Commissioner filed a response informing the court that he has no objection to Plaintiff's motion for fees. The Commissioner notes, however, that the fees previously awarded under § 2412 should be remitted to Plaintiff by counsel. See Gisbrecht v.

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<sup>2</sup> The fee requested constitutes 25% of the past due benefits awarded to Plaintiff, in accordance with the fee agreement between Plaintiff and counsel and as permitted by 42 U.S.C. § 406(b). Plaintiff received \$73,072.00 in back Title II benefits.

Barnhart, 535 U.S. 789, 796 (2002). Counsel represents that, once the fees requested herein are approved, he will refund to Plaintiff the \$3,360.00 attorney fee previously awarded.

Accordingly, Plaintiff's motion for fees under 42 U.S.C. § 406(b) is **granted** in the amount of \$18,268.00. Counsel for Plaintiff is directed to promptly refund to Plaintiff the previously awarded attorney's fee of \$3,360.00.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
Senior United States District Judge

Columbia, South Carolina

August 19, 2020